

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID LAMB,

Petitioner,

Case No. 03-73587

Honorable John Corbett O'Meara

v.

CARMEN PALMER,

Respondent,

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court having reviewed the Report and Recommendation filed January 21, 2010 by Magistrate Judge Paul J. Komives, as well as Petitioner's Objections filed on February 10, 2010, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED as the findings and conclusions of this Court.

IT IS FURTHER ORDERED that Petitioner's Motion for Relief from Judgment pursuant to Rule 60(b) is DENIED.

IT IS FURTHER ORDERED that Petitioner's Motion for a Certificate of Appealability is DENIED; and Petitioner's Motion for Leave to Proceed *in forma pauperis* is DENIED as moot.

s/John Corbett O'Meara

United States District Judge

Date: March 01, 2010

Certificate of Service

I hereby certify that a copy of the foregoing order was served upon Respondent electronically and upon Petitioner at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by U.S. mail.

s/William Barkholz

Case Manager